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JAN 30 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 30, 1998

HAND DELIVERED

Magalie Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

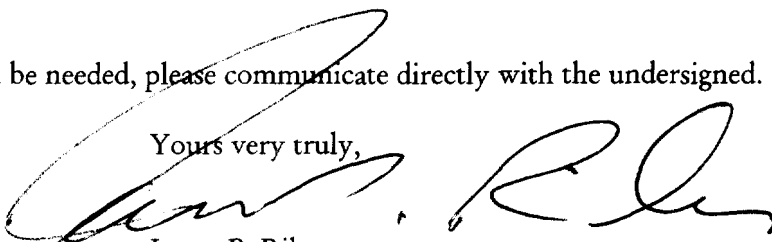
Dear Ms. Salas:

Transmitted herewith is the original with four copies of a Petition for Rulemaking, requesting the allotment of an additional television channel at Weaverville, California.

As the petition makes clear, it is filed by Northern California Public Television to effectuate a settlement between mutually exclusive applicants for Channel 32 at Weaverville, California. A Joint Motion requesting Commission approval of the Weaverville Settlement Agreement is being filed this date with the Commission.

Should further information be needed, please communicate directly with the undersigned.

Yours very truly,



James P. Riley
Counsel for Northern California Public Television

JPR:deb

cc: Ms. Barbara A. Kreisman
Chief, Video Services Division

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JAN 30 1998

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OF THE UNITED STATES

ORIGINAL

In Re

Amendment of Section 73.606(b)
Television Table of Allotments
Weaverville, California

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)
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RM _____

MM Docket No. _____

To: Chief, Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Northern California Public Television ("Northern"), by its counsel, hereby submits this petition for rulemaking concurrently with the filing of the Joint Motion for Approval of Universal Settlement Agreement between Northern and Redding Institute of Religion ("Redding"), the two mutually exclusive applicants for a construction permit for a television station on Channel 32, Weaverville, California.¹ In support of this petition, the following is shown:

1. Northern and Redding have agreed, and have today asked the Commission to approve their agreement, to resolve their mutual exclusivity by Northern's requesting allotment of a new television channel to Weaverville which will not be mutually exclusive with the above-captioned applications and will be available solely for the purpose of permitting Northern to amend its application to specify the new channel to resolve the mutual exclusivity between Northern and Redding. Upon allotment of the new channel, Northern would amend its application to specify the new channel, conditioned upon Northern's amended application being placed on a "B" cut-off list without being subjected to competing applications and Commission approval of the settlement agreement having become final.

¹Northern's application is BPET-960920KV and Redding's is BPET-970324KE.

2. In this way, both of the applicants' applications may be granted, bringing two new television services to the public rather than only one, achieving this public interest benefit without either competitive litigation between Northern and Redding or the delay attendant upon resolution of the means by which choices would be made between mutually exclusive noncommercial educational applicants. Thus, the public interest would benefit and the resources of the Commission and of the applicants would be conserved.

3. To achieve this end, Northern seeks, so that this settlement will be possible, a waiver of the bar against rulemaking petitions seeking the allotment of new NTSC channels after July 29, 1996. See, *Sixth Further Notice of Proposed Rule Making*, MM Dkt. No. 87-268, FCC 96-317 at ¶61 (rel. Aug. 14, 1996). Weaverville, a small but rapidly growing community, is located in far northern California. An abundance of television channels is available in the Weaverville area for NTSC or DTV/ATV allotments. Favorable action in this petition will not adversely impact the Commission's ability to modify or add DTV/ATV allotments in the area surrounding the new Weaverville allotments proposed herein. Favorable action will make possible a prompt settlement of this case and the prompt inauguration of two new television stations.

4. The attached engineering statement of Linda Adams, Northern's technical consultant, shows that Channels 42 and 60 may both be allotted at the Weaverville allocation reference point.² Northern requests allotment of Channel 42 for its use. Should there be an expression of interest by a third party in seeking a permit for a Weaverville television station, the availability of Channel 60 shown herein demonstrates that allotting Channel 42 for the specific purpose of ending the mutual

²Still other channels, in addition to Channels 42 and 60, could also be allotted.

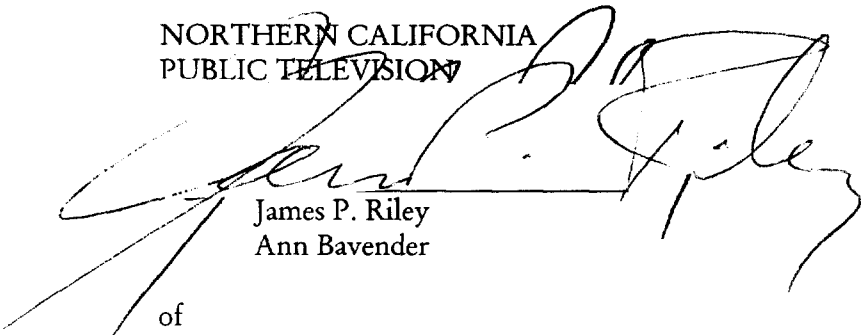
exclusivity on Channel 32 by allowing Northern to amend to Channel 42 without it being open to competing applicants would not preclude others from seeking a permit at Weaverville.³

5. If the Commission does allot Channel 42 to Weaverville, does approve the settlement agreement between Northern and Redding, and does provide that Northern shall amend to Channel 42 without being exposed to the filing of competing applications, then Northern will promptly file an amendment to its pending application to provide for construction and operation on Channel 42 rather than Channel 32, and will promptly construct its new station following grant of a construction permit.

WHEREFORE, Northern requests grant of this petition for rulemaking consistent with approval for the Commission of its settlement agreement with Redding Institute of Religion.

Respectfully submitted,

NORTHERN CALIFORNIA
PUBLIC TELEVISION



James P. Riley
Ann Bavender

of

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11th Floor
Rosslyn, Virginia 22209
(703)812-0400

Its Attorneys

January 30, 1998

³Note that Channel 32 was added to the TV Table of Allotments effective October 16, 1995, 60 Fed. Reg. 46063, and only these two applications have been filed for a new television station on this channel.

Engineering Statement

This statement is submitted in support of the Proposed Rule Making to allocate two additional UHF TV channels to Weaverville, CA.

Using the allocation coordinates for Weaverville, CA (40-54-45 / 122-52-15), it was determined that the optimum available channels are CH 42 and CH 60. Both of these channels meet all requirements of Section 73.610 of the Commission's rules with regard to minimum distance separations between these channels and all other existing stations and allocations, including the existing CH 32 allocation to Weaverville, CA. Channels 42 and 60 will also provide the required city grade coverage over the city of license of Weaverville, CA.



**Linda Adams
Technical Consultant
January 29, 1998**

CH# 42 (Primary)

INTERFERENCE CHECKS WITH NEW weaverville AT N. LAT. 40 54 45 W. LONG. 122 52 15

ZONE = 2C

PWR = 5000 K.W. H.A.A.T = 600 M

CH#	CALL	ZONE	TYPE	REQUIRED	CLEAR	BEARING	DISTANCE	LAT.	PWR (KW)	INT.	PRO.	
CITY			STATE	LICENSEE		---		LONG.	MAX HAAT	FILE #		
283	ALBBS	2	CAL	NA	95.7	96.7	144.1	192.40 km	39 30 30	5000.00	---	106.57
OROVILLE			CA				324.1	119.55 mi	121 32 48	600.0M		

CH# 60 (Primary)

INTERFERENCE CHECKS WITH NEW weaverville AT N. LAT. 40 54 45 W. LNG. 122 52 15

ZONE = 2C

PWR = 5000 K.W. H.A.A.T - 600 M

CH#	CALL	ZONE	TYPE	REQUIRED	CLEAR	BEARING	DISTANCE	LAT.	PWR (KW)	INT.	PRO.
CITY			STATE	LICENSEE		<---		LNG.	MAX HAAT	FILE #	
462	AL558	2	HAL NA	95.7	62.1	146.2	157.78 km	39 43 54	5000.00	---	106.57
CHICO			CA			326.2	98.04 Mi	121 50 18	600.0M		

TIME 3-19-90.